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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/013,819	01/27/98	OUDERKIRK	A 50371USA5C

MM91/0926

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EXAMINER	
SHAFER, R	
ART UNIT	**PAPER NUMBER**
2872	

DATE MAILED: 09/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/013,819	Applicant(s)	
	Examiner R.D. SHAFER	Group Art Unit	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 6/20/00.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-9, 13 AND 14 is/are pending in the application.

Of the above claim(s)_____ is/are withdrawn from consideration.

☐ Claim(s)_____ is/are allowed.

☒ Claim(s) 1-9, 13 AND 14 is/are rejected.

☐ Claim(s)_____ is/are objected to.

☐ Claim(s)_____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on_____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on_____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number)_____.

☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received:_____.

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 19

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other_____

Office Action Summary

Part of Paper No. 20

Applicant's arguments filed 6/20/2000 have been fully considered but they are not persuasive. In response to applicant's argument that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies the polarizing dye is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F, 2d 1181,26 USPQ2d 1057 (FED. CIR. 1993).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrenk et al ('949).

Schrenk et al discloses a birefringent interference polarizer comprising a multi layer stack including first and second polymeric materials, wherein at least one of the first and second materials being birefringent, such that a refracting index difference between the first and second polymeric materials reflects light having a first polarization while transmitting light having a second polarization, see column 3, lines 17-37, which obviously serves as a reflective polarizer. Furthermore, Schrenk et al clearly discloses in column 3, lines 38-55, that it may be desirable to incorporate coloring agents, such as dyes into one or more of the individual layers of said birefringent polarizer in order to permit selective absorption of certain wavelengths so as to

control the bandwidth of reflected polarized light and the wavelength range of transmitted light which obviously serves as an absorbing polarizer. Moreover, Schrenk et al clearly discloses in column 4, lined 13-27, that the polymeric materials are coextruded.

As to the limitations that the absorbing polarizer is aligned to "substantially absorb light" of the first polarization state and to 'substantially transmit light" of the second polarization state". It would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to adjusted and/or tailor the degree of absorption in order to meet user's specifications, as stated in column 3, lines 58-62 of Schrenk et al. Since, it has been held that discovering the optimum or workable ranges involves only routine skill in the art. Note In re Aller 105 U.S.P.Q. 233; In re Boesch, 617 F. 2d 272, 205 U.S.P.Q. 215 (CCPA 1980) and In re Reese, 129 U.S.P.Q. 402.

As to the limitations of claim 13, Schrenk et al clearly teaches in column 3, lines 50-52, that all transmitted light may be absorbed by coextruding a black layer on the back side of the birefringent polarizer.

Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number (703) 308-4813.

Shafer/TR

09-12-00

RICKY D. SHAFER
PRIMARY EXAMINER
ART UNIT 2872